

QUEENSLAND (THE PARLIAMENT OF THE COMMONWEALTH
ELECTIONS ACT, AND THE ELECTIONS ACTS 1885 TO
1898 AMENDMENT ACT OF 1900).

COPY of The Parliament of the Commonwealth Elections Act, and the Elections Acts
1885 to 1898 Amendment Act of 1900.

Colonial Office, }
April 1901. }

M. F. OMMANNEY.

(Presented pursuant to Act 13 & 14 Vict. cap. 59, sec. 32.)

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Queensland.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. 25.

AN ACT to provide for the Election for the State of Queensland of
Members of the Parliament of the Commonwealth, and to determine
the Divisions of the State of Queensland for which Members of the
said Parliament shall be chosen, and for other purposes.

[Assented to 28th December 1900.]

Preamble.

WHEREAS under the provisions of "The Commonwealth of Australia
Constitution Act" the electors of the State of Queensland are for the
time being entitled to choose six members of the Senate and nine members of
the House of Representatives of the Parliament of the Commonwealth: And
whereas it is desirable to provide for the election of such members, and to
determine the divisions of the State of Queensland for which members of the
House of Representatives shall be chosen: Be it therefore enacted by the
Queen's most Excellent Majesty, by and with the advice and consent of the
Legislative Council and Legislative Assembly of Queensland in Parliament
assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as "The Parliament of the Commonwealth
Elections Act, and The Elections Acts 1885 to 1898 Amendment Act of 1900."

Interpretation of
terms.

2. In this Act, unless the context otherwise requires, the following terms
have the meanings set against them respectively, that is to say:—

"Assembly"—The Legislative Assembly of Queensland;

"Division"—A Division of the State of Queensland constituted under this
Act;

"Elector"—A person who is qualified and entitled to vote for the election
of a Member or Members of the Assembly at the time of holding an
election under the provisions of this Act;

"Electoral District"—An Electoral District constituted by "The Electoral
District Act of 1887" and "The Electoral Districts Act of 1892," or any
Act amending or in substitution for those Acts or either of them.

Queensland one
electorate for
Senators.

3. For the purposes of the election of Senators the State of Queensland shall
be one electorate.

Writ for Senators.

4. The writ for the election of Senators shall be directed by the Governor
to the returning officer.

A copy of the writ shall be published in the "Gazette."

Such writ shall be in the following form or to the like effect:—

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, &c., &c.

To the Returning Officer for the Election of Senators for the State of Queensland:—

GREETING:

We command you that you proceed according to law to the election of six persons to serve in the Senate of the Commonwealth. And we do hereby appoint the day of _____ in the year of our Lord _____ to be the day and place of nomination of candidates at the said election. And we do further command you that in the event of the said election being contested the poll shall be taken on the day of _____ at the several polling-places duly appointed for the State of Queensland. And that you do endorse thereon the names of the persons elected and the date of their election, and do return this our writ so endorsed to the Governor of our State of Queensland, at Brisbane, not later than the day of _____

Witness His Excellency _____, the Governor of our said State at _____ day of _____, 19 _____, in the _____ year of our reign.

Governor.

5. For the purposes of the election of Members of the House of Representatives, the State of Queensland shall be divided into nine Divisions.

Such Divisions respectively shall have the names assigned to them in the Schedule left-hand column of the Schedule to this Act, and shall severally comprise the Electoral Districts mentioned in the right hand column of the said Schedule.

Each Division shall return one member.

6. Save as hereinafter provided:—

Elector.

(i.) Every elector whose name appears upon an Electoral Roll in force in any Electoral District shall be qualified and entitled to vote at the election of Senators;

(ii.) Every elector whose name appears upon an Electoral Roll in force in any of the Electoral Districts comprised within a Division shall be qualified and entitled to vote at the election of a Member of the House of Representatives for that Division.

7. (1.) No elector shall vote more than once at an election of Senators *No plural voting.* notwithstanding the fact that his name appears on more than one Electoral Roll.

(2.) No elector shall vote more than once at an election of a Member of the House of Representatives or for more than one such Member notwithstanding the fact that his name appears upon more than one Electoral Roll in the same Division or in different Divisions.

(3.) Any person who votes or attempts to vote more than once at any election under this Act shall be liable, upon conviction before any two justices, to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding six months.

8.—(1.) The Governor in Council may appoint, by commission under his hand and seal, a fit person to be the returning officer for the election of Senators under the provisions of this Act. *Returning officers.*

(2.) In case of sickness or other cause preventing any returning officer from acting at any election the Governor in Council may, in like manner, appoint some other person to act as returning officer in his stead.

(3.) Notification of every such appointment of a returning officer shall be published in the "Gazette."

(4.) Such returning officer, in addition to the powers and duties vested in and imposed upon him by this Act, shall have such of the powers and shall perform such of the duties of a returning officer appointed under "The Elections Acts, 1885 to 1898," or any Acts amending or in substitution for those Acts or any of them, as are necessary for carrying into effect the provisions of this Act.

(5.) Every returning officer appointed under the last-mentioned Acts shall be an assistant returning officer for the purposes of this Act, and, in addition to the powers and duties vested in and imposed upon him by this Act, shall *Assistant returning officers.*

have such of the powers and shall perform such of the duties vested in and imposed upon a returning officer under the last-mentioned Acts as are necessary for carrying into effect the provisions of this Act.

Every returning officer for elections of Members of House of Representatives to be subject to Queensland law however appointed.

9. Every person duly appointed to conduct or assist in conducting any election of a Member to serve in the House of Representatives shall have and be subject to all the powers, authorities, privileges, duties, and liabilities conferred or imposed upon persons who perform the like services under the provisions of "The Elections Acts, 1885 to 1898"; and every act or omission which, if done or omitted with respect to the election of a Member of the Assembly, would be an offence under the provisions of those Acts or "The Criminal Code" shall, if done or omitted with respect to the election of a Member of the House of Representatives, be an offence of like nature, and shall be punishable accordingly.

When contingent vote not to apply.

10. After section 78H of "The Elections Acts, 1885 to 1898," the following section is inserted:—

78I. The foregoing provisions of this Act for securing the absolute majority of votes shall not apply to any election at which more than two members are to be elected for one Electoral District:

Provided always that if an elector writes a figure or figures opposite to the name or names of a candidate or candidates, the ballot paper shall not be rejected for that reason only.

Questions to voters.

11. Notwithstanding the provisions of "The Elections Acts, 1885 to 1898," or any Acts amending or in substitution for those Acts, or any of them, an assistant returning officer or other presiding officer at a polling-place, in addition to any other question which by those Acts he is authorised or required to put, may, if he thinks fit, put to any person claiming to vote, before he votes and not afterwards, the following questions or either of them, that is to say,—

FIRST.—Are you the same person whose name appears as [A.B., number] in the roll in force for the Electoral District of ?

SECOND.—Have you already voted, either here or elsewhere, at the present Election of Senators [or of Members of the House of Representatives]?

No person required to answer the questions hereinbefore prescribed, or either of them, shall be permitted to vote until he has answered the same in writing signed by him to the satisfaction of the assistant returning officer or other presiding officer, and in such a manner as to show that he is entitled to vote.

Any person who wilfully makes a false answer to any of the questions hereinbefore prescribed shall be liable, upon conviction before any two Justices, to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding six months.

Penalty for making false answer.

Duty of assistant returning officer.

12. Every assistant returning officer shall, in manner provided by the law in force for the time being with respect to the election of members of the Assembly, ascertain the number of votes given for each candidate for the office of Senator at the various polling places within the Electoral District of which he is the returning officer, for which purpose the presiding officer at each such polling-place shall make a return (certified by him to be correct) to the assistant returning officer of the number of votes so given respectively at such polling-place; and the assistant returning officer shall forthwith make out and furnish a return thereof (certified by him to be correct), to the returning officer appointed under this Act for the election of Senators.

Every return to be made under this section may be transmitted by telegraphic message or message under the provisions of "The Telegraphic Messages Act of 1872."

Additional roll.

13.—(1.) Section thirty-seven of "The Elections Acts, 1885 to 1898," is repealed, and the following provisions are inserted in lieu thereof:—

The electoral registrar shall forthwith transmit the list so revised to the Principal Electoral Registrar, who, after having received the lists for the whole of such District, shall, with as little delay as possible, cause to be fairly printed from such lists a general alphabetical roll, in the form hereinafter prescribed

with respect to the annual roll, and such roll shall be called the "Additional Electoral Roll."

Provided that in printing the second and subsequent additional rolls in any year, all the names included in the last preceding additional roll shall be incorporated in due alphabetical order so as to entirely supersede the last preceding additional roll, and so that such roll for the month of April shall contain all the names included in such roll for the month of February, and such roll for the month of June shall contain all the names included in such roll for the month of April, and so on up to such roll for the month of October, which shall thus contain all the names confirmed since the annual revision in the preceding month of November.

The numbering of the names in regular arithmetical order, as hereinafter prescribed, shall be continued throughout the additional roll so that the number set against the first name appearing upon any additional roll in force shall be the number immediately succeeding that which is set against the last name appearing on the annual roll.

(2.) In section forty of the said Acts the words "bi-monthly electoral roll" are repealed, and the words "additional roll" are inserted in lieu thereof.

(3.) The first paragraph of section twenty-seven of the said Acts is repealed, and the following provision is inserted in lieu thereof:—

The electoral registrar shall, in the year one thousand nine hundred, on or before a date to be fixed by the Minister, and thereafter on or before the fifth day of December in each succeeding year, transmit the lists revised as aforesaid to the Principal Electoral Registrar, who, after having received the lists of the electors for the whole of such District, shall, with as little delay as possible, cause to be printed a sufficient number of copies of a general alphabetical roll of electors of the whole District, numbered in regular arithmetical order.

In the said section the heading to the form of electoral roll is repealed, and the following heading is inserted in lieu thereof:—

THE ELECTORAL DISTRICT OF

Annual Electoral Roll of persons qualified to vote for the election of member of the Legislative Assembly in the year _____, for the Electoral District of _____,
of which _____, Esq., is Returning Officer.
Dated this _____ day of _____.

(Signed) J.A.B.,
Principal Electoral Registrar.

14.—(1.) The Governor in Council may from time to time make regulations Repealed. for the purpose of carrying into effect the provisions of this Act.

(2.) The regulations may provide all such facilities as are expedient and proper to enable electors to vote at polling places in Electoral Districts other than the Districts upon the rolls of which their names appear, and to enable the votes of all persons claiming to be such electors to be verified.

(3.) All such regulations shall be published in the "Gazette," and thereupon shall have the force of law.

All such regulations shall be laid before both Houses of Parliament not later than fourteen days after the publication thereof, if Parliament is then in session, or, if not, then not later than fourteen days after the next session of Parliament.

(4.) Such regulations may impose a penalty of not exceeding fifty pounds for any breach thereof, and all such penalties may be recovered in a summary way before any two justices.

15. There shall be paid to every returning officer and to every assistant Expenses. returning officer acting under the provisions of this Act, in addition to all expenses necessarily incurred, such reasonable remuneration for services rendered as the Governor in Council approves, and all moneys so paid shall be deemed to be expenses incurred in the execution of this Act.

All expenses incurred in the execution of this Act shall be defrayed out of the Consolidated Revenue, which is hereby appropriated for the purpose.

16. Sections ten and thirteen of this Act shall commence and take effect Operation of Act. on and from the passing of this Act. The other provisions of this Act shall commence and take effect on and from the first day of January, one thousand nine hundred and one.

Section 5.

SCHEDULE.

Divisions.	Electoral Districts.
Brisbane - - -	Brisbane North, Enoggera, Fortitude Valley, Toombul, Toowong,
Darling Downs - -	Asbigay, Cambooya, Carnarvon, Cunningham, Dalby, Dryden
Capricornia - - -	and Toowoomba, and Warwick.
Kennedy - - -	Clermont, Fitzroy, Leichhardt, Normanby, Port Curtis, Rock-
Herbert - - -	hampton, and Rockhampton North.
Moreton - - -	Burra, Carpentaria, Charters Towers, Croydon, Flinders, and
Oxley - - -	Kennedy.
Mareeba - - -	Bowen, Cairns, Cook, Herbert, Mackay, Townsville, and Wool-
Wide Bay - - -	ahokate.
	Bundamba, Fassifern, Ipswich, Lockyer, Marston, Nandah,
	Reeswood, and Stanley.
	Albert, Brisbane South, Ballinbe, Logan, Oxley, and Woolloosa-
	gatta.
	Balcatta, Barcoo, Ballas, Gregory, Meremba, Mitchell, Mullin,
	and Werago.
	Bundaberg, Burnett, Burum, Gympie, Maryborough, Mangrove,
	and Wide Bay.

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